

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

Ledge Lounger, Inc.,

Plaintiff,

v.

**Global Lift Corp.
d/b/a Global Pool Products,**

Defendant.

Case No. 24-cv-11267

Hon. Thomas L. Ludington

Magistrate Judge Patricia T. Morris

STIPULATED ORDER

WHEREAS, on November 10, 2023, Plaintiff Ledge Lounger, Inc. filed a Complaint against Defendant, Global Lift Corp. in the U.S. District Court for the Southern District of Texas. ECF No. 1;

WHEREAS, on May 13, 2024, District Judge George C. Hanks, Jr. of the Southern District of Texas, transferred this case to the Eastern District of Michigan, Northern Division. ECF No. 3;

WHEREAS, on June 7, 2024, Plaintiff filed a First Amended Complaint. ECF No. 8;

WHEREAS, on June 12, 2024, Defendant filed an Answer to Amended Complaint, Affirmative Defenses and Counterclaims, ECF No. 10;

WHEREAS, on July 3, 2024, Plaintiff filed a Motion to Dismiss Counterclaims for Failure to State a Claim Under Fed. R. Civ. P. 12(b)(6), ECF No. 14;

WHEREAS, on July 10, 2024, Defendant sought a Rule 7.1(a) conference regarding its intention to file a motion with respect to Plaintiff's pending motion to dismiss, wherein Defendant

informed Plaintiff that it intended to file an Amended Answer and Counterclaims, pursuant to Fed. R. Civ. P. 15(a)(1)(b), that would moot the Motion to Dismiss; AND

WHEREAS, pursuant to the parties' conference they have agreed to a resolution of their potential dispute without the need for Court intervention, in a manner that will not impact any of the current case deadlines;

IT IS HEREBY ORDERED that

- (1) Plaintiff's Motion to Dismiss (ECF No. 14) is **withdrawn**;
- (2) Defendant will file an Amended Answer, Affirmative Defenses, and Counterclaims by **July 24, 2024** (*i.e.*, within 21 days of the filing of Plaintiff's withdrawn Motion to Dismiss); and
- (3) Plaintiff's withdrawal of its Motion to Dismiss is without prejudice to its ability to file a renewed motion to dismiss in response to Defendant's Amended Answer, Affirmative Defenses, and Counterclaims, if it so chooses after a review of the amended pleading.

IT IS SO ORDERED.

Dated: July 15, 2024

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

THE FOREGOING IS AGREED TO BY THE PARTIES BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD:

Dated: July 11, 2024

Respectfully submitted,

/s/ Matthew P. Becker with consent

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